

Town Board Minutes
(Municipal Review Committee)

Meeting
No. 43

Special Meeting

December 20, 2004

Town Board Minutes

December 20, 2004

Meeting No. 43

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 20th day of December 2004, at 6:30 PM and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUT, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: NONE

ALSO PRESENT: MARY ANN PERRELLO, DEPUTY TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

**IN THE MATTER OF THE SEQR REVIEW OF THE
COUNTRY CLUB GARDENS SUBDIVISION**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Country Club Gardens Subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER SZYMANSKI
WHO MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER GOBER, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
COUNTRY CLUB GARDENS SUBDIVISION
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 33± acres.

The location of the premises being reviewed is north side of Broadway, east side of Pavement Road, County of Erie, Town of Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
It is noted that:
 - Construction will be on land where the depth to the water table is less than three (3) feet.
 - Construction may continue for more than one (1) year and involve more than one (1) phase.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will have a small to moderate affect any water body designated as protected.
It is noted that:
 - Construction of a road will be in a designated freshwater wetland.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
It is noted that:
 - A State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required. It is also noted that the developer had filed with the Town Engineer and the Building Inspector a copy of a report in which Barron & Associates PC indicated that when soil borings were taken, the depth of the water table was below where foundations would be located.
 - Total anticipated water usage per day is 35,174 \pm gallons.
6. The proposed action may have a small to moderate alteration of drainage flow patterns or surface water runoff.
It is noted that:
 - The proposed action would change flood water flows.
 - The proposed action will allow construction of a road in a designated floodway.
7. The proposed action will not affect air quality.
8. The proposed action may have a small to moderate affect on threatened or endangered species. It is noted that there may be application of pesticide or herbicide more than twice a year, other than for agricultural purposes.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.

12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There may be a small to moderate impact on objectionable odors, noise, or vibration as a result of this proposed action.
 - It is noted that the proposed action may produce operating noise exceeding the local ambient noise levels for noise outside of structures during construction.
18. The proposed action will not affect public health and safety.
19. The proposed action may have a small to moderate affect on the character of the existing community.

It is noted that:

 - There will be a small to moderate change in the density of land use.
 - The development will create a small to moderate demand for additional school, police and fire services.
 - The development will create employment during construction.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

December 20, 2004

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUT	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED NO
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYZKA	VOTED NO
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon adopted.

December 20, 2004

ADJOURNMENT:

**ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was
adjourned at 7:10 P.M.**

Signed Mary Ann Perrello
Mary Ann Perrello, Deputy Town Clerk

Town Board Minutes

Meeting No. 44

Regular Meeting

December 20, 2004

Town Board Minutes

December 20, 2004

Meeting No. 44

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 20th day of December 2004 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPNIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: MARY ANN PERRELLO, DEPUTY TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Questions and concerns regarding public services in Columbia Gardens Subdivision.
- Concerns regarding the safety of children near the retention pond in Columbia Gardens Subdivision.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Comments and questions regarding drainage.
- Comments about the development of site before Town Board approval for Pleasant Meadows Subdivision.

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matter:

- Urges the Town Board to have the owner of proposed subdivision located near his property redesign the plan for the subdivision.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- Concerns about alleged debris collecting in culvert behind his house.
- Questions and concerns about the detention pond in Columbia Gardens Subdivision.

PUBLIC HEARING SCHEDULED FOR 8:30P.M.:

At 8:32 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by Greg Zygaj & Mariette Cimato Zygaj to rezone property from a Residential Commercial Office District (RCO) in the front 300' and Residential District One (R-1) in the back to a Multi-Family District Three (MFR-3).

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Greg Zygaj, the petitioner	8300 Greincr Road	Proponent
Al Hopkins, Metzger Civil Engineering	8560 Main Street	Proponent
David Zygaj, attorney for the petitioner	Liberty Bldg., Buffalo	Proponent
Lorraine Bona	5688 Broadway	Opponent/Comments
Greg Tilley	9262 Lake Road	Proponent
Ray Zygaj, initial owner of property	8255 County Rd	Proponent

ON MOTION BY COUNCIL MEMBER AMATURA, AND SECONDED BY COUNCIL MEMBER STEMPNIAK, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:53 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

December 20, 2004

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Planning Board and the Town Board held December 6, 2004 and the Regular Meeting of the Town Board held December 6, 2004 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 2004

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore annually authorized the administration of a Tree Planting Program for the purpose of beautifying the rights-of-way of public highways and streets of the Town of Lancaster by furnishing shade trees, and

WHEREAS, funds have been provided in the current 2005 General Town Budget for the 2005 Tree Planting Program, and

WHEREAS, the Tree Planting Committee of the Town Board has reviewed the Town of Lancaster's Tree Planting Program and recommends the planting of certain species of trees on certain streets in accordance with the official Tree Planting Master Plan of the Town of Lancaster and specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That sealed bids be received by the Town Clerk up to 10:00 A.M., Local Time, on January 6, 2005 for meeting the requirements of the Town of Lancaster's 2005 Tree Planting Program and for supplying of trees in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to have a Notice to Bidders and Nurserymen published in the Lancaster Bee, and to have said Notice posted as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 2004

FILE: RDOTREES (P1)

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS
OR NURSERYMEN**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk or her designee up to 10:00 A.M., Local Time, on January 6, 2005 at her office in the Town Hall, 21 Central Avenue, Lancaster, New York for meeting the requirements of the Town of Lancaster's Tree Planting Program for the year 2005 in accordance with specifications on file in the Town Clerk's Office.

Each proposal must be accompanied by a check payable to the Town of Lancaster or a bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) conditioned that, if the proposal is accepted, the bidder will enter into a contract for the same and that the bidder will execute any such further security as may be required for the faithful performance of the contract.

The Town Board of the Town of Lancaster reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

December 20, 2004

File: RBOTREES (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

WHEREAS, it is necessary to make various transfers within the 2004 budget accounts of the Town of Lancaster at the close of Town business on December 31, 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and hereby is authorized and directed to make such transfers to all over-expended accounts from available funds in the 2004 Budget, including unappropriated fund balances, upon the close of Town business on December 31, 2004.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Governmental Accounting Standards Board has issued new financial requirements under its statement GASB 34, and

WHEREAS, the Town of Lancaster must adopt certain provisions of the statement in the fiscal year ended December 31, 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster hereby designates each of its funds as "major" funds in accordance with the provisions of GASB 34, to provide a framework for more detailed reporting of the Town's operations, and

BE IT FURTHER

RESOLVED, that the Town of Lancaster designates \$40,000 as a minimum capital expenditure, which would be recorded as a fixed asset for the purpose of GASB 34, and

BE IT FURTHER

RESOLVED, that the Town of Lancaster adopts the following useful lives for depreciation purposes under GASB 34:

Building and Improvements	- 15-75 years
Equipment	- 3-25 years
Infrastructure	- 20-100 years

and,

BE IT FURTHER

RESOLVED, that the Town of Lancaster adopts the straight-line method of depreciating its assets for the purposes of GASB 34.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, our community and communities across America are welcoming many new neighbors, friends, employees and citizens from countries and cultures throughout the world – people for whom English is not their native language, and

WHEREAS, Americans have growing social, cultural and economic ties to the global community, offering great opportunities but presenting new challenges as we seek to communicate with and understand our international partners from different language and culture backgrounds, and

WHEREAS, studying other languages has been shown to contribute to increased cognitive skills, better academic performance and a greater understanding of others, while also providing life-long learning opportunities for people beyond school age, and

WHEREAS, proficiency in other languages enhances Americans' career opportunities and provides employers with a workforce with the necessary skills for an international marketplace, and

WHEREAS, foreign language educators are working cooperatively to promote the benefits of language learning to students, parents, business, industry, health and social services leaders, and policy makers throughout the nation, and

WHEREAS, language education in the 21st century includes a commitment to the study of long sequences of world languages beginning in the early grades to enable students to develop the levels of proficiency needed to effectively communicate with people from other cultures whether at home or abroad, and

WHEREAS, language educators are urging the public to recognize the value of delivering better education to our students, of expanding the cultural and literary horizons of adult learners, and of strengthening America's position and security around the world.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby proclaims the year 2005 as the Year of Languages and urges all citizens to become familiar with the services and benefits offered by language education programs in our state and community and to support and participate in these programs to gain proficiency not only in English, but in other languages as well.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, upon reviewing the budgetary accounts of the Town of Lancaster, the Supervisor has determined the need for various adjustments to the 2004 Adopted Budget of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED that the following Budget Amendments be and are hereby approved in the 2004 adopted budget of the Town of Lancaster:

Miscellaneous Special Revenue - Public Safety	<u>Increase</u>
36-599 Appropriated Fund Balance	293
36-960 Budget Appropriations	293
36-9901-901 Transfer to Fire Prot. District for Public Safety Expenses	293
 Special District - Fire Protection District	
50-510 Estimated Revenues	293
50-5031 Interfund Transfers in from Public Safety Fund	293
50-599 Appropriated Fund Balance	15,000
50-960 Budget Appropriations	15,293
50-3410-482 Volunteer Firefighters' Workers' Comp. Exp.	15,000
50-3410-483 Hydrant Repairs	293
 Miscellaneous Special Revenue - Tree Planting Fee	
33-599 Appropriated Fund Balance	4,410
33-960 Budget Appropriations	4,410
33-8000-400 Contractual Expenses	4,410
 Miscellaneous Special Revenue - Police Asset Forfeiture	
31-510 Estimated Revenues	28,000
31-4389 Federal Aid, Other Public Safety Aid	28,000
31-960 Budget Appropriations	28,000
31-3120-210 Equipment	1,636
31-3120-220 Vehicles	10,000
31-3120-225 Trucks & Related	1,200
31-3120-245 Public Safety Equipment	1,000
31-3120-401 Office Supplies	500
31-3120-412 Education Expense	3,000
31-3120-432 Auto Parts & Supplies	500
31-3120-442 Uniforms & Related	1,400
31-3120-449 Other Unclassified	6,500
31-9901-901 Transfer to Police Fund for Public Safety Expense	2,264

Police Fund

05-510 Estimated Revenues	222,269
05-2261 Police Merger Contract Payment from Village of Lancaster	198,142
05-3389 State Aid, Other Public Safety Aid	20,000
05-4389 Federal Aid, Other Public Safety Aid	1,863
05-5034 Interfund Transfers in from Police Asset Forfeiture Fund	2,264
05-960 Budget Appropriations	222,269
05-3120-102 Police Overtime	185,269
05-3120-109 Police Court Time	17,000
05-3120-220 Police Passenger Vehicles (DARE Vehicle)	20,000

General Fund - Townwide

01-599 Appropriated Fund Balance	55,000
01-960 Budget Appropriations	55,000
01-1355-410 Assessor, Professional Services	45,000
01-7989-449 Other Culture & Recreation - Hull House Support	5,000
01-8810-449 Cemeteries, Lancaster Rural Cemetery Support	5,000

Special Districts - Refuse

35-599 Appropriated Fund Balance	68,000
35-960 Budget Appropriations	68,000
35-8160-410 Disposal of Freon Units	8,000
35-8160-411 Refuse Collection Expense	25,000
35-8160-0412 Refuse Disposal Expenses	35,000

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPLIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has determined that certain of the Town's Capital Projects are deemed to be completed, and

WHEREAS, the Town Board wishes to officially close said projects and, where applicable, properly direct the disposition of the unexpended cash balances of these projects.

NOW, THEREFORE, BE IT

RESOLVED, that the Capital Projects listed below are hereby deemed complete and that their respective accounts on the Town's books be closed except those accounts which are necessary to properly record the liability associated with any and all outstanding debt of the projects and/or subsequent retirement of said debt shall be closed after said debt is retired, and

BE IT FURTHER

RESOLVED, that where applicable, the project cash balances listed below be transferred to the "Reserve for Debt Service" account of the operating fund specified below:

	Fund	Date	Project	
<u>Project Name/Description</u>	<u>No.</u>	<u>Authorized</u>	<u>Balance</u>	<u>Operating Fund</u>
Multi-Modal Highway Aid	137	n/a (grant)	\$0.00	Highway Fund - TOV
Central Bridge/Streetscape	153	n/a	0.00	Highway Fund - Townwide
Water Pumping Station	142	06/03/02	1,899.83	Consolidated Water Dist.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact a Local Law of the Year 2005, entitled "FLOODPLAIN MAP REVISION", which will amend the Code of the Town of Lancaster by adding Section 21.6 (A) (3) to Chapter 21 "Floodplains", Article III, "General Provisions" of the Code of the Town of Lancaster, which reads as follows:

Chapter 21

FLOODPLAINS

ARTICLE III, General Provisions

Section 21-6., Basis for establishing areas of special flood hazard.

**Proposed
Local Law
Of the Year 2005**

A LOCAL LAW OF THE YEAR 2005 ENTITLED "FLOODPLAIN MAP REVISION", WHICH WILL ADOPT A FLOOD PLAIN MAP REVISION PROMULGATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), TO AMEND THE CODE OF THE TOWN OF LANCASTER BY ADDING SECTION 21-6 (A) (3) TO CHAPTER 21, "FLOODPLAINS" ARTICLE III, SECTION 21., AND

BE IT ENACTED, by the Town Board of the Town of Lancaster, New York as follows:

The Code of the Town of Lancaster is hereby amended by enacting the Local Law of the Year 2005 entitled "Floodplain Map Revision" which adds Section 21-6 (A) (3) to Chapter 21, "Floodplains", Article III, "General Provisions" of the Town Code which reads as follows:

§21-6. Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1)

(3) LOMR effective May 17, 2005, FEMA case number 04-02-019P, revising FIRM panels 0007C, 0008C.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law of the Year 2005, entitled "Floodplain Map Revision" which Local Law adds Section 21.6 (A) (3) to Chapter 21, "Floodplains", Article III, "General Provisions" of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:35 o'clock P.M., Local Time, on the 3rd day of January, 2005, and that Notice of the Time and Place of such Hearing shall be published on December 23, 2004, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2005, entitled "Floodplain Map Revision" available for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 2004

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted December 20, 2004, the said Town Board will hold a Public Hearing on the 3rd day of January, 2005 at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2005, entitled "Floodplain Map Revision", and further designated as Chapter 21, "Floodplains", Article III, "General Provisions" Section 21.6 (A) (3) of the Code of the said Town, briefly described as follows:

**"A LOCAL LAW WHICH WILL ADOPT A FLOOD PLAIN MAP REVISION
PROMULGATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY
(FEMA)."**

A complete copy of this proposed Local Law of the Year 2005, entitled "Floodplain Map Revision", and designated as Chapter 21, "Floodplains", Article III, "General Provisions", Section 21.6 (A) (3) of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

December 20, 2004

File: rlocallawfloodplainsamended1204

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50 - Zoning - Section 20 (B) (1) (j) of the Code of the Town of Lancaster, upon the application of **James L. Dispenza**, for a Special Use Permit for a used light truck and recreational vehicle sales business on premises located at 73 Cemetery Road in the Town of Lancaster, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled "Commercial and Motor Service District (CMS) " of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby deny a Special Use Permit to **James L. Dispenza**, for a used light truck and recreational vehicle sales business on premises located at 73 Cemetery Road, in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board has previously memorialized the State Legislature and the Governor regarding the fine revenue distributed from vehicle and traffic offenses pursuant to Section 1803 Vehicle and Traffic Law, and

WHEREAS, the New York State Senate has adopted legislation under Senate Bill 7757 and the New York State Assembly has adopted legislation under Assembly Bill 11845 which would restore the original justice fine distribution which was in effect prior to August 2004 providing municipalities with a larger share of revenue from fines imposed in the justice court, and

WHEREAS, the Town Board deems it in the public interest to memorialize Governor George Pataki to sign these bills into legislation;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby memorializes Governor George Pataki to sign Senate Bill 7757 and Assembly Bill 11845 to effectuate a change in the fine revenue distribution to municipalities pursuant to Section 1803 of the Vehicle and Traffic Law to provide for restoration of the fine distribution previously received by the Town which supports the local share cost of justice court operations.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 2004

File: rcourtfinestored11204

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town's labor negotiator, William L. Holcomb of William L. Holcomb Associates, Inc., 2714 Sheridan Drive, Tonawanda, New York, is under contract with the Town of Lancaster for providing labor consultant services for contract administration requirements to the Town of Lancaster which contract expires December 31, 2004, and

WHEREAS, William L. Holcomb is in the process of continuing negotiations on contracts with the four bargaining units representing Town employees, and

WHEREAS, William L. Holcomb has submitted a proposal for continuation of services for the years 2005 and 2006, and

WHEREAS, the Town Board has reviewed the proposal submitted by William L. Holcomb Associates, Inc. and deems it in the public interest to continue William L. Holcomb Associates, Inc. under retainer for the two year period commencing January 1, 2005 through December 31, 2006.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with William L. Holcomb Associates, Inc. to provide labor consultant services for contract administration requirements to the Town of Lancaster on the terms and conditions as contained in the letter proposal from the said William L. Holcomb Associates, Inc. dated December 15, 2004, said contract to be for the period effective January 1, 2005 and running through December 31, 2006.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 2004

File: rholcumbnegotiator1204

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 12610 to Claim No. 12905 Inclusive

Total amount hereby authorized to be paid: \$345,923.78

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 2004

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

12503	Schuster Const. LLC	36 Fox Hunt Rd	Er. Res. Add	
12504	Muzdakis, Linda	80 Vandenberg Ave	Er. Shed	(V/L)
12505	Schneckenberger, L.J.	5868 Broadway	Er. Res. Alt.	
12506	C Tucker Homes	37 Windcroft Ln	Er. Dwlg.-Sin.	
12507	Holiday Lumber Co Inc	249 Warner Rd	Er. Res. Add.	
12508	Wassim, Issa	470 N Aurora St	Er. Comm. Alt.	
12509	Tim Horton's	5390 Genesee St	Er. Sign	
12510	Braun, Raymond	50 St Marys St	Dem. Garage	(V/L)
12511	Braun, Raymond	50 St Marys St	Er. Res. Add.	(V/L)
12512	Essex Homes Of WNY	221 Pleasant View Dr	Er. Dwlg.-Sin.	
12513	Black Hat Chimney	9 Creekwood Dr	Er. Fireplace	
12514	Classic Fence & Lumber	138 S Irwinwood Rd	Er. Fence	(V/L)
12515	Kipfer, Kevin	15 Park Blvd	Er. Res. Alt.	(V/L)
12516	Forbes Homes Inc	23 Beatrix Cir	Er. Dwlg.-Sin.	
12517	Glorified Development	50 Trentwood Trl	Er. Res. Add.	
12518	Randaccio Bldrs	22 Beatrix Cir	Er. Dwlg.-Sin.	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 2004

File: Rbljg2

COMMUNICATIONS & REPORTS:

965. NYS DOT to Town Attorney -
Request for extra time to review the FEIS for proposed Pleasant Meadows Subdivision.
DISPOSITION = Town Attorney
966. NYS Senator Dale M. Volker to Town Clerk -
Acknowledgment of receipt of Town Board resolution regarding Eric County budget.
DISPOSITION = Received & Filed
967. Town of Alabama to Town Board -
Transmittal of resolution requesting establishment of a New York State Veterans' Cemetery.
DISPOSITION = Received & Filed
968. Melvin H. Szymanski to Supervisor -
Request for reappointment as Planning Board member. DISPOSITION = For Resolution
969. Andrew Debbs to Supervisor -
Comments and concerns regarding proposed Pleasant Meadows Subdivision.
DISPOSITION = Planning Committee
970. Robert P. Thill to Town Board -
Request for reappointment as member of Zoning Board of Appeals. DISPOSITION = For Resolution
971. Erie County Department of Health to Supervisor -
Comments regarding proposed Eric County budget. DISPOSITION = Received & Filed
972. Lancaster Central School District Building & Grounds Dept. to Supervisor -
Concerns regarding water pressure at the Lancaster High School. DISPOSITION = Town Engineer
973. School and Municipal Energy Cooperative of WNY to Town Board -
Notice of selection by SMEC of ESCO variable rate electrical option for customers.
DISPOSITION = Received & Filed
974. William T. Revelas to Supervisor, Town Board -
Request reappointment as Fire Inspector - Part Time. DISPOSITION = Received & Filed
975. NYS Department of Labor to Town Board -
Comments regarding emergency demolition regulations. DISPOSITION = Building Inspector
976. Bee Group Newspapers to Town Board -
Request the designation of official newspaper of Town. DISPOSITION = For Resolution
977. Erie County Department of Environment & Planning to Town Board -
Notice SEQR negative declaration regarding proposed installation of sanitary sewers on Didion and Brunck Roads. DISPOSITION = Received & Filed
978. Town Clerk to Town Board -
Transmittal of final settlement for 2004-2005 school tax collection.
DISPOSITION = Received & Filed
979. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer -
Notification of SEQR meeting to be held December 20, 2004 at 6:30 PM regarding site plan review for proposed Country Club Gardens Subdivision. DISPOSITION = Received & Filed
980. Town Clerk to Various News Media -
Notification of SEQR meeting to be held December 20, 2004 at 6:30 PM regarding site plan review for proposed Country Club Gardens Subdivision. DISPOSITION = Received & Filed
981. Donald G. Symer, P.E. to Town Board -
Additional comments regarding FEIS for proposed Pleasant Meadows Subdivision and rezone project. DISPOSITION = Planning Committee

982. Al-E-Oops Restaurant to Town Clerk -
Advisement of application for renewal of liquor license under new corporate name.
DISPOSITION = Town Attorney
983. Village of Lancaster to Town Board -
Transmittal of minutes of meeting held November 22, 2004. DISPOSITION = Received & Filed
984. True North Company to Town Engineer -
Letter regarding status of GIS Project for the Town. DISPOSITION = Town Engineer
985. Marsha C. Cox to Supervisor, Town Board -
Request to carry over unused 2004 vacation days to 2005. DISPOSITION = Supervisor
986. NYS DOT to Town Board -
Notice of training workshop to be held January 6, 2005 in Buffalo regarding Roundabouts.
DISPOSITION = Received & Filed
987. Town of Clarence to Supervisor -
Transmittal of resolution demanding New York State provide Medicaid reform.
DISPOSITION = Received & Filed
988. NYS DEC to Supervisor -
Request for Town to formally adopt revised floodplain map. DISPOSITION = Town Attorney & Town Engineer
989. Erie County Division of Planning to Town Board -
Submission of review and reply regarding rezone of 5692 Broadway. DISPOSITION = Planning Committee

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MONTOUR, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the meeting was adjourned at 9:18 P.M.

Signed Mary Ann Perrello
Mary Ann Perrello, Deputy Town Clerk